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09/759,627	01/12/2001	Ryan J. Nobrega	3399P040	2387
7590	03/29/2006			EXAMINER
Jordan M. Becker BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			LIVERSEDGE, JENNIFER L	
			ART UNIT	PAPER NUMBER
			3628	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/759,627	NOBREGA ET AL.
	Examiner	Art Unit
	Jennifer Liversedge	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8, 17-45 and 50-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8, 17-45 and 50-56 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The following Office Action is in response to the amendment received on January 26, 2006 regarding application 09/759,627. There were no amendments made to the claims in the current amendment and the claim language reflects the claims as submitted in the amendment on November 10, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 33 - 38 are rejected under 35 U.S.C. 102(a) as being anticipated by O'Leary.

Regarding claim 33, O'Leary discloses a method of facilitating a credit card transaction (column 5, lines 42 – 46) between a consumer and a provider of a product or service (column 7, lines 16 – 23), the method comprising receiving information associated with the transaction from a remote terminal operated by the provider (column 11, lines 4 – 25 and column 15, line 66 – column 16, line 1); determining whether the transaction is of a predetermined type (column 10, lines 16 – 21); if the transaction is

determined not to be of the predetermined type, then initiating a transaction approval process by transmitting at least a portion of the received information to a clearing network for approval of the transaction (column 5, lines 42 – 50); if the transaction is determined to be of the predetermined type, then transmitting the received information to a remote validation entity other than the clearing network over a secure channel (column 4, lines 54 – 65), to enable validation of the transaction by the remote validation entity (column 10, lines 21 – 32), and upon receiving an indication that the transaction has been validated by the remote validation entity, initiating a transaction approval process by transmitting at least a portion of the information to the clearing network for approval of the transaction (column 10, lines 24 – 32 and column 16, lines 17 – 30).

Regarding claim 34, O'Leary discloses a method wherein the information received from the remote terminal does not include a credit card number if the transaction is of the predetermined type (column 16, lines 17 – 22), such that the information transmitted to the remote validation entity does not include a credit card number, and such that the remote validation entity validates the transaction without requiring the consumer or the provider to communicate a credit card number in connection with the transaction (column 16, lines 22 – 35).

Regarding claim 35, O'Leary discloses a method wherein the information received from the remote terminal includes a credit card number if the transaction is not of the predetermined type (column 5, lines 42 – 50).

Regarding claim 36, O'Leary discloses a method wherein determining whether the transaction is of a predetermined type comprises determining whether the transaction is of the predetermined type based on the information received from the remote terminal (column 5, lines 42 – 45; column 10, lines 17 – 21).

Regarding claim 37, O'Leary discloses a method wherein determining whether the transaction is of a predetermined type comprises determining whether the received information includes a predetermined code (column 12, lines 58 – 63).

Regarding claim 38, O'Leary discloses a method wherein the information received from the remote terminal may include a credit card number (column 5, lines 42 – 46), and wherein determining whether the transaction is of a predetermined type comprises determining whether the information received from the remote terminal includes a predetermined code in place of a credit card number (column 12, lines 59 – 65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 17-32, 39-45 and 50-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number US 6,609,113 B1 to O'Leary et al. (further referred to as O'Leary).

Regarding claim 17, O'Leary discloses a method of facilitating a credit card transaction (column 5, lines 42 – 46) between a consumer using a wireless communication device (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20) and a provider of a product or service (column 7, lines 16 – 23), the method comprising storing personal information of the consumer, including a credit card number of a credit card issued to the consumer (column 9 line 65 – column 10, line 1); receiving information for requesting the transaction from a remote entity (column 15, line 66 – column 16, line 1); sending information on the transaction to the wireless communication device (column 16, lines 5 – 7); receiving a signal from the wireless communication device indicating acceptance of the transaction (column 16, lines 6 –

11); receiving a personal identification code from the wireless communication device (column 15, lines 33 – 39); using the received personal identification code and the stored personal information on the consumer to verify the identity of the consumer (column 11, lines 4 – 15 and column 15, lines 33 – 39), and if the identity of the consumer is verified, sending to a remote entity a transaction request including information on the transaction and the credit card number (column 10, lines 17 – 21 and column 16 lines 18 – 22), for initiation of a transaction approval process (column 10, lines 23 – 30 and column 16, lines 18 – 32).

Regarding claim 18, O'Leary discloses a method wherein storing personal information of the consumer comprises storing personal information of the consumer in a database within a trusted domain (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1) the trusted domain excluding the provider (column 7, lines 11 – 12 and lines 43 – 46).

O'Leary further discloses wherein consumers can be excluded from access to the database (column 10, lines 42 – 47). The practice of excluding individuals from access to a database is well known to those of ordinary skill in the art. The motivation is to prevent certain or all individuals from gaining access to the information stored within the database in order to maintain the integrity and confidentiality of the data therein.

Regarding claim 19, O'Leary discloses a method wherein the stored personal information of the consumer is not permitted to pass outside the trusted domain at any

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time during performance of the method (column 5, lines 57 – 60, column 7, lines 42 – 46).

Regarding claim 20, O'Leary discloses a method further comprising receiving a signal indicating the transaction has been approved (column 16, lines 35 – 38); and in response to receiving the signal indicating the transaction has been approved, storing a digital receipt of the transaction (column 5, lines 8 – 12 and lines 23 – 25; column 9, line 65 – column 10, line 9 and column 10, lines 21 – 33), and sending a signal to the wireless communication device to cause the wireless communication device to output a message confirming completion of the transaction (column 10, lines 21 – 35).

Regarding claim 21, O'Leary discloses a method further comprising providing telecommunications services (column 4, lines 38 – 45) to users of a plurality of wireless communications devices on a wireless communications network (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20), including storing user account information (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1) for each of the plurality of users, including a consumer (column 9, lines 17 – 23 and column 15, lines 33 – 39).

Regarding claim 22, O'Leary discloses a method further comprising, prior to sending information on the transaction to the wireless communication device receiving a unique identifier of the wireless communication device from a remote entity (column 15,

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line 65 – column 16, line 5) and identifying the wireless communication device and an associated user account based on the unique identifier (column 11, lines 4 – 15 and column 15, lines 33 – 39).

Regarding claim 23, O'Leary does not teach that the method verifies that the wireless communications device is in geographic proximity to the provider. However, O'Leary does disclose that the communication device is operable either in a virtual or physical market place and that payment can take place virtually anywhere (column 4, lines 38 – 46 and column 6, line 61 – column 7, lines 2). It would be obvious to one of ordinary skill in the art that the communication system as disclosed by O'Leary would process transactions both when the device is within close geographic proximity to the provider and when not. The motivation would be to provide commerce services in both Internet as well as brick-and-mortar environments.

Regarding claim 24, O' Leary discloses a method of facilitating a credit card transaction (column 5, lines 42 – 46) between a consumer using a wireless communication device (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20) and a provider of a product or service (column 7, lines 16 – 23), the method comprising storing personal information of the consumer in a database within a trusted domain (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1), the trusted domain excluding the provider (column 7, lines 11 – 12 and lines 43 – 46).

O'Leary further discloses wherein consumers can be excluded from access to the database (column 10, lines 42 – 47). The practice of excluding individuals from access to a database is well known to those of ordinary skill in the art. The motivation is to prevent certain or all individuals from gaining access to the information stored within the database in order to maintain the integrity and confidentiality of the data therein.

O'Leary discloses the personal information including a credit card number of a credit card issued to the consumer (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1); receiving information for requesting the transaction from a remote entity (column 15, line 66 – column 16, line 1), the information for requesting the transaction including an amount of the transaction and a provider identifier (column 16, lines 1 – 5); storing the information for requesting the transaction (column 11, lines 4 – 25); sending information on the transaction (column 15, line 66 – column 16, line 1) to the wireless communication device via a wireless network (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20); receiving a signal from the wireless communication device indicating acceptance of the transaction by the consumer (column 16, lines 6 – 11); receiving a personal identification code from the wireless communication device via the wireless communications network (column 15, lines 33 – 39); using the received personal identification code and the stored personal information on the consumer to verify the identity of the consumer (column 11, lines 4 – 15 and column 15, lines 33 – 39), and if the identity of the consumer is verified, sending to a remote entity a transaction request including information on the transaction and the credit card number (column 10, lines 17 – 21 and column 16 lines 18 – 22), for initiation

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of a transaction approval process (column 10, lines 23 – 30 and column 16, lines 18 – 32), wherein the credit card information of the consumer is not permitted to pass outside the trusted domain (column 5, lines 57 – 60, column 7, lines 42 – 46); receiving a signal indicating the transaction has been approved (column 16, lines 35 – 38); and in response to receiving the signal indicating the transaction has been approved, storing a digital receipt of the transaction (column 5, lines 8 – 12 and lines 23 – 25; column 9, line 65 – column 10, line 9 and column 10, lines 21 – 33), and sending a signal to the wireless communication device over the wireless communication network to cause the wireless communication device to output a message confirming completion of the transaction (column 10, lines 21 – 35).

Regarding claim 25, O'Leary discloses a method wherein the stored personal information of the consumer is not permitted to pass outside the trusted domain at any time during performance of the method (column 5, lines 57 – 60, column 7, lines 42 – 46).

Regarding claim 26, O'Leary discloses a method further comprising providing telecommunications services (column 4, lines 38 – 45) to users of a plurality of wireless communications devices on a wireless communications network (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20), including storing user account information (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1) for each of the

plurality of users, including a consumer (column 9, lines 17 – 23 and column 15, lines 33 – 39).

Regarding claim 27, O'Leary discloses a method further comprising, prior to sending information on the transaction to the wireless communication device receiving a unique identifier of the wireless communication device from a remote entity (column 15, line 65 – column 16, line 5) and identifying the wireless communication device and an associated user account based on the unique identifier (column 11, lines 4 – 15 and column 15, lines 33 – 39).

Regarding claim 28, O'Leary does not teach that the method verifies that the wireless communications device is in geographic proximity to the provider. However, O'Leary does disclose that the communication device is operable either in a virtual or physical market place and that payment can take place virtually anywhere (column 4, lines 38 – 46 and column 6, line 61 – column 7, lines 2). It would be obvious to one of ordinary skill in the art that the communication system as disclosed by O'Leary would process transactions both when the device is within close geographic proximity to the provider and when not. The motivation would be to provide commerce services in both Internet as well as brick-and-mortar environments.

Regarding claim 29, O'Leary discloses a method wherein a remote entity is within the trusted domain, and wherein receiving information for requesting the

transaction comprises receiving the information from the remote entity via a secure channel (column 4, lines 54 – 65).

Regarding claim 30, O'Leary discloses a method wherein the stored digital receipt is remotely accessible to the consumer (column 9, lines 17 – 23; column 11, lines 23 – 25 and column 18, lines 47 – 51).

Regarding claim 31, O'Leary discloses a method providing a computer-implemented portal, through which the consumer can remotely access a commerce application (column 4, lines 59 – 62 and column 6, lines 27 – 52).

Regarding claim 32, O'Leary discloses wherein the stored digital receipt is remotely accessible to the consumer via the portal (column 6, lines 27 – 52).

Regarding claim 39, O'Leary discloses a method of a telecommunications carrier (column 4, lines 38 – 45) facilitating a credit card transaction (column 5, lines 42 – 46) between a consumer using a wireless communication device (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20) and a provider of a product or service (column 7, lines 16 – 23), the method comprising providing telecommunications services (column 4, lines 38 – 45) to users of a plurality of wireless communications devices on a wireless communications network (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20), including storing user account information (column 4, lines

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54 – 58 and column 9 line 65 – column 10, line 1) for each of the plurality of users, the plurality of users including a consumer (column 9, lines 17 – 23 and column 15, lines 33 – 39); storing personal information of the consumer in a database within a trusted domain (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1), the trusted domain excluding the provider (column 7, lines 11 – 12 and lines 43 – 46).

O'Leary further discloses wherein consumers can be excluded from access to the database (column 10, lines 42 – 47). The practice of excluding individuals from access to a database is well known to those of ordinary skill in the art. The motivation is to prevent certain or all individuals from gaining access to the information stored within the database in order to maintain the integrity and confidentiality of the data therein.

O'Leary discloses the personal information including a credit card number of a credit card issued to the consumer (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1); receiving information for requesting the transaction from a remote entity (column 15, line 66 – column 16, line 1), the information for requesting the transaction including a unique identifier of the wireless communications device (column 15, lines 33 – 39), an amount of the transaction, and a provider identifier (column 16, lines 1 – 5); storing the information for requesting the transaction (column 11, lines 4 – 25); identifying the wireless communication device and an associated user account based on the unique identifier (column 9, lines 49 – 52 and column 15, lines 32 – 39 and lines 54 – 57).

O'Leary does not teach that the method verifies that the wireless communications device is in geographic proximity to the provider. However, O'Leary

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does disclose that the communication device is operable either in a virtual or physical market place and that payment can take place virtually anywhere (column 4, lines 38 – 46 and column 6, line 61 – column 7, lines 2). It would be obvious to one of ordinary skill in the art that the communication system as disclosed by O'Leary would process transactions both when the device is within close geographic proximity to the provider and when not. The motivation would be to provide commerce services in both Internet as well as brick-and-mortar environments.

O'Leary discloses sending information on the transaction (column 15, line 66 – column 16, line 1) to the wireless communication device via a wireless network (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20); receiving a signal from the wireless communication device indicating acceptance of the transaction by the consumer (column 16, lines 6 – 11); receiving a personal identification code from the wireless communication device via the wireless communications network (column 15, lines 33 – 39); using the received personal identification code and the stored personal information on the consumer to verify the identity of the consumer (column 11, lines 4 – 15 and column 15, lines 33 – 39), and if the identity of the consumer is verified, sending to a remote entity a transaction request including information on the transaction and the credit card number (column 10, lines 17 – 21 and column 16 lines 18 – 22), for initiation of a transaction approval process (column 10, lines 23 – 30 and column 16, lines 18 – 32), wherein the credit card information of the consumer is not permitted to pass outside the trusted domain (column 5, lines 57 – 60, column 7, lines 42 – 46); receiving a signal indicating the transaction has been approved (column 16, lines 35 – 38); and in

response to receiving the signal indicating the transaction has been approved, storing a digital receipt of the transaction (column 5, lines 8 – 12 and lines 23 – 25; column 9, line 65 – column 10, line 9 and column 10, lines 21 – 33), and sending a signal to the wireless communication device over the wireless communication network to cause the wireless communication device to output a message confirming completion of the transaction (column 10, lines 21 – 35).

Regarding claim 40, O'Leary discloses a method wherein the stored personal information of the consumer is not permitted to pass outside the trusted domain at any time during performance of the method (column 5, lines 57 – 60, column 7, lines 42 – 46).

Regarding claim 41, O'Leary discloses a method of facilitating a credit card transaction (column 5, lines 42 – 46) between a consumer using a wireless communication device (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20) and a provider of a product or service (column 7, lines 16 – 23), the method comprising providing a computer-implemented portal, through which the consumer can remotely access a commerce application (column 4, lines 59 – 62 and column 6, lines 27 – 52); storing personal information of the consumer in a database within a trusted domain (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1), the trusted domain excluding the provider (column 7, lines 11 – 12 and lines 43 – 46).

O'Leary further discloses wherein consumers can be excluded from access to the database (column 10, lines 42 – 47). The practice of excluding individuals from access to a database is well known to those of ordinary skill in the art. The motivation is to prevent certain or all individuals from gaining access to the information stored within the database in order to maintain the integrity and confidentiality of the data therein.

O'Leary discloses the personal information including a credit card number of a credit card issued to the consumer (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1); receiving, from a remote entity within the trusted domain, information for requesting the transaction (column 15, line 66 – column 16, line 1), including an amount of the transaction and a provider identifier (column 16, lines 1 – 5); storing the information for requesting the transaction (column 11, lines 4 – 25); generating a session identifier corresponding to the transaction in response to receiving the information for requesting the transaction (column 11, lines 4 – 25 and column 12, lines 59 – 63); associating the session identifier with the stored information for requesting the transaction (column 11, lines 4 – 25 and column 15, line 66 – column 16, line 5); sending the session identifier to a remote entity, for subsequent communication to the consumer (column 11, lines 4 – 25 and column 15, line 66 – column 16, line 5); receiving a confidential personal identification code and a user-input session identifier from a wireless communication device via a communications network (column 11, lines 4 – 25); using the received personal identification code, the user-input session identifier, and the stored personal information of the consumer to attempt to validate the transaction (column 15, line 66 – column 16, line 5), including using the personal

identification code and the stored personal information to verify the identity of the consumer (column 15, lines 33 – 39 and lines 54 – 57; column 15, line 66 – column 16, line 5), and using the user-input session identifier to look up the stored information for requesting the transaction and to associate the consumer with the transaction (column 11, lines 4 – 25); if the transaction is successfully validated, then sending information on the transaction (column 15, line 66 – column 16, line 1) to the wireless communication device over the wireless network (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20) to cause the wireless communication device to output a prompt to accept or decline the transaction (column 16, lines 5 – 11); receiving a signal from the wireless communication device indicating acceptance of the transaction (column 16, lines 5 – 11); in response to receiving the signal indicating acceptance of the transaction, sending to a remote entity a transaction request including information on the transaction and the credit card number (column 10, lines 17 – 21 and column 16 lines 18 – 22), for initiation of a transaction approval process by a clearing network (column 10, lines 23 – 30 and column 16, lines 18 – 32), without sending the credit card information outside the trusted domain (column 5, lines 57 – 60; column 7, lines 8 – 12 and lines 42 – 46); receiving a signal indicating the transaction has been approved by the clearing network (column 16, lines 28 – 38); and in response to receiving the signal indicating the transaction has been approved by the clearing network, storing a digital receipt of the transaction in association with the identity of the consumer (column 5, lines 8 – 12 and lines 23 – 25; column 9, line 65 – column 10, line 9 and column 10, lines 21 – 33); and sending a signal to the wireless communication device over the wireless communication

network to cause the wireless communication device to output a message confirming completion of the transaction (column 10, lines 21 – 35).

Regarding claim 42, O'Leary discloses a method wherein the credit card number is not permitted to pass outside the trusted domain at any time during the transaction (column 5, lines 57 – 60, column 7, lines 42 – 46).

Regarding claim 43, O'Leary discloses a method wherein receiving information for requesting the transaction comprises receiving the information for requesting the transaction via a secure channel (column 4, lines 54 – 65).

Regarding claim 44, O'Leary discloses a method wherein the stored digital receipt is remotely accessible to the consumer (column 9, lines 17 – 23; column 11, lines 23 – 25 and column 18, lines 47 – 51).

Regarding claim 45, O'Leary discloses wherein the stored digital receipt is remotely accessible to the consumer via the portal (column 6, lines 27 – 52).

Regarding claim 50, O'Leary discloses a system to facilitate a credit card transaction (column 5, lines 42 – 46) between a plurality of consumers using a wireless communication device (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20) and a plurality of providers of products or services (column 7, lines 16 – 23), the

processing system comprising a database of personal information of the consumers, including, for each of the consumers, a credit card number of a credit card issued to a consumer (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1); a processor (page 4, lines 54 – 55); and a memory containing instructions for execution by the processor to control operation of the processing system (column 10, lines 14 – 34); wherein the processing system is configured to receive information for requesting the transaction from a remote entity (column 15, line 66 – column 16, line 1); send information on the transaction (column 15, line 66 – column 16, line 1) to one of the wireless communication devices (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20); receive a signal from the wireless communication device indicating acceptance of the transaction (column 16, lines 6 – 11); receive a personal identification code from the wireless communication device (column 15, lines 33 – 39); use the received personal identification code and the stored personal information on the consumer to verify the identity of the consumer (column 11, lines 4 – 15 and column 15, lines 33 – 39), and if the identity of the consumer is verified, send to a remote entity a transaction request including information on the transaction and the credit card number (column 10, lines 17 – 21 and column 16 lines 18 – 22), for initiation of a transaction approval process (column 10, lines 23 – 30 and column 16, lines 18 – 32).

Regarding claim 51, O'Leary discloses a processing system wherein the database of personal information of the consumers is stored within a trusted domain

(column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1), the trusted domain excluding the provider (column 7, lines 11 – 12 and lines 43 – 46).

O'Leary further discloses wherein consumers can be excluded from access to the database (column 10, lines 42 – 47). The practice of excluding individuals from access to a database is well known to those of ordinary skill in the art. The motivation is to prevent certain or all individuals from gaining access to the information stored within the database in order to maintain the integrity and confidentiality of the data therein.

Regarding claim 52, O'Leary discloses a processing system wherein the stored personal information of the consumer is not permitted to pass outside the trusted domain at any time during performance of the method (column 5, lines 57 – 60, column 7, lines 42 – 46).

Regarding claim 53, O'Leary discloses a processing system wherein the processing system is operated by a telecommunications carrier (column 4, lines 38 – 45) providing wireless communications services (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20) to the plurality of consumers (column 9, lines 17 – 23 and column 15, lines 33 – 39).

Regarding claim 54, O'Leary does not teach that the processing system is configured to verify that the wireless communication device is in geographic proximity to the provider. However, O'Leary does disclose that the communication device is

operable either in a virtual or physical market place and that payment can take place virtually anywhere (column 4, lines 38 – 46 and column 6, line 61 – column 7, lines 2). It would be obvious to one of ordinary skill in the art that the communication system as disclosed by O'Leary would process transactions both when the device is within close geographic proximity to the provider and when not. The motivation would be to provide commerce services in both Internet as well as brick-and-mortar environments.

Regarding claim 55, O'Leary discloses a processing system wherein the processing system is further configured to provide a computer-implemented portal, through which the consumer can remotely access a commerce application using the wireless communications device (column 4, lines 59 – 62 and column 6, lines 27 – 52).

Regarding claim 56, O'Leary discloses a processing system wherein the processing system is further configured to receive a signal indicating the transaction has been approved (column 16, lines 35 – 38); and in response to receiving the signal indicating the transaction has been approved, store a digital receipt of the transaction (column 5, lines 8 – 12 and lines 23 – 25; column 9, line 65 – column 10, line 9 and column 10, lines 21 – 33), and send a signal to the wireless communication device to cause the wireless communication device to output a message confirming completion of the transaction (column 10, lines 21 – 35).

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary, and further in view of Handbook of Structured Financial Products, edited by Frank J. Fabozzi, 1998 (further referred to as Fabozzi).

Regarding claim 1, O'Leary does not use the specific words "telecommunications carrier" in disclosing the invention. However, as the Applicant points out on page 24, lines 12 – 19, a telecommunications carrier must be involved since a cell phone is being used. It would be obvious to one of ordinary skill in the art to use a telecommunications carrier to enable telephony and computer communications, be it wireless or otherwise. The motivation would be that telecommunication carriers are the means by which electronic devices communicate with each other, be they wireless or other. A telecommunications carrier is the known, used, and available technology. This limitation will apply to all further claims regarding references to telecommunications carriers and wireless devices and networks.

O'Leary discloses a telecommunications carrier (column 4, lines 38 – 45) to facilitate a credit card transaction (column 5, lines 42 – 46) between a consumer and a provider of a product or service (column 7, lines 16 – 23), the method comprising the telecommunications carrier providing telecommunications services to users of a plurality of wireless communications devices on a wireless communications network (column 8, line 63 – column 9, line 4 and column 9, lines 17 – 20);

O'Leary does not disclose the telecommunications carrier validating the credit card transaction between the consumer and the provider. However, Fabozzi discloses the telecommunications carrier validating the credit card transaction between the consumer and the provider (page 3-4 under AT&T Universal heading). Recognizing AT&T as both a carrier of telecommunications and the owner of AT&T Universal Credit Card Services, AT&T would be both a provider of telecommunications services, as well as validating transactions for individuals presenting their credit cards for making a purchase. The use of telecommunications services are old and well known, and the use of credit card companies validating credit card transactions is well known. AT&T Universal has combined these activities, as has a host of other telecommunication and credit card companies. It would be obvious to one of ordinary skill in the art to combine the use of a telecommunications provider validating credit cards as disclosed by Fabozzi with the telecommunications purchasing mechanism as disclosed by O'Leary. The motivations would be to consolidate business activities, providing various incentives to credit card users.

Regarding claim 2, O'Leary discloses the method wherein an amount of revenue is generated as a result of the validation transaction (column 2, lines 45 – 47, lines 53 – 56, and 65 – 67). O'Leary does not disclose that the telecommunications carrier receives a portion of the revenue for performing the validation. However, O'Leary discloses that the motivation behind the invention is in part to reduce the fees and costs associated with validation transactions. O'Leary is internalizing the fees through the

use of the telecommunications carrier, such that the telecommunications carrier is by the nature of its mode of operation, thereby offsetting those previously paid fees by performing the validation. It would be obvious to one of ordinary skill in the art that if the telecommunications carrier was able to perform validation, that the fees associated with those validations which previously were required to be conducted by another system for a fee, that the fees could then be credited by the telecommunications system now capable of performing such services, thereby resulting in a revenue.

Regarding claim 3, O'Leary discloses the method wherein validating the credit card transaction comprises verifying the identity of the consumer (column 9, lines 49 – 52, column 10, lines 23 – 28 and column 16, lines 20 – 22).

Regarding claim 4, O'Leary discloses the method further comprising using a wireless communications device operated by the consumer to acquire information from the consumer for validating the transaction (column 16, lines 6 – 11).

Regarding claim 5, O'Leary discloses a method wherein validating the credit card transaction comprises associating independent actions by the consumer and the provider with the transaction (column 15, line 66 – column 16, line1 and column 16, lines 6 – 11).

Regarding claim 6, O'Leary discloses a method wherein validating the credit card transaction comprises storing credit card information of the consumer within a trusted domain (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1), the trusted domain excluding the provider (column 7, lines 11 – 12 and lines 43 – 46).

Regarding claim 7, O'Leary discloses a method wherein the stored credit card information includes a credit card number of a credit card issued to the consumer (column 4, lines 54 – 58 and column 9 line 65 – column 10, line 1), wherein the credit card number is used in the transaction (column 5, lines 42 – 45), and wherein the transaction is executed without requiring the credit card number to be communicated to the provider or equipment operated by the provider (column 5, lines 57 – 60; column 7, lines 8 – 12 and lines 42 – 46).

Regarding claim 8, O'Leary discloses a method further comprising after validating the transaction, transmitting the credit card information and information on the transaction to a remote entity within the trusted domain, for purposes of initiating a transaction approval process (column 5, lines 44 – 46, column 7, lines 44 – 46, column 10, lines 23 – 28).

Response to Arguments

The rejections for claims 1-8 have been modified based on statements made in the amendment regarding claim 1 and the use of a telecommunications carrier for the

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purpose of validating credit card transactions. The prior art cited in the current Office Actions discloses the use of a telecommunications carrier conducting credit card transactions. It is noted that in order for the telecommunications carrier to perform credit card validation, the telecommunications carrier and the creditor card validation entity would be one and the same, such that a carrier would have access to a card holder database. Such is the case with AT&T Universal as cited in the current Office Action.

As cited in the last response, O'Leary discusses both conditions for which a consumer is physically present at a merchant's business location and where a consumer is shopping at a merchant's web site (column 4, lines 38-50; column 6, lines 61-67; column 12, lines 42-48; column 13, lines 14-25). The process by which the transaction is conducted uses the telecommunications network in both scenarios.

O'Leary discloses predetermined types of transactions and the steps which are to be followed based upon the type of action identified. O'Leary discloses transaction both within the trusted domain and by another validation entity (column 10, line 65-column 11, line 3; column 27, lines 16-30) as well as various predetermined types of transactions (column 8, lines 40-52; column 9, lines 25-30; column 10, lines 15-21 and lines 59-64) such as debit, credit, and to various institutions.

"Clearing networks" and "validation entities other than the clearing network" include the various institutions as noted in the paragraph above (column 10, line 65-column 11, line 3; column 27, lines 16-30).

Regarding requests from within the trusted domain for a transaction, O'Leary discloses where consumers are within the trusted domain and the consumer is requesting a transaction.

O'Leary discloses session identifiers and user-inputs in order to track transactions and a history of transactions (column 5, lines 24-26; column 11, lines 4-41 especially lines 36-41; column 13, line 66 – column 14, line 31). The transactions are stored by transaction number and the user has access to transactions which are stored in a database for later retrieval and viewing. This transaction number is stored in the database which can be accessed by individuals and organizations with access to the EFT network. In such a manner, transaction numbers can be shared as sharing of files in old and well known.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes the following articles related to telecommunication carriers and credit card services operating jointly or as one business unit such that credit card validation services are offered by a telecommunications carrier.

Nancy Muller: American Express Introduces New Corporate Service with MCI in PR Newswire, Nov. 19, 1992.

Peter Lucas: Why Some Want to Spank the Baby Bells in Credit Card Management, April, 1992.

US West Hopes to Ring Up New Business with a Cobranded Card in Credit Card News, May 1, 1993.

Ameritech Unplugs the Original Baby Bell Cobrand Card in Credit Card News, May 1, 1998.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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